

No. 4:15-CV-79-D

Defendant.

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With regard to notice to known potential claimants, the relevant portion of Supplemental Rule G(4)(b) provides:

(iii) Sending Notice.

- (A) The notice must be sent by means reasonably calculated to reach the potential claimant.
- (B) Notice may be sent to the potential claimant or to the attorney representing the potential claimant with respect to the seizure of the property or in a related investigation, administrative forfeiture proceeding, or criminal case.
- (C) Notice sent to a potential claimant when incarcerated must be sent to the place of incarceration.

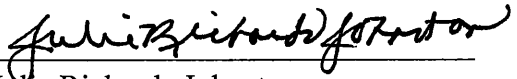
Fed. R. Civ. P. Adm. Supp. R. G(4)(b)(iii). Here, plaintiff appears to have attempted service to the known potential claimant, Ernest Joshon Wright, pursuant to Supplemental Rule G(4)(b)(iii) (C).

Plaintiff's attempted service pursuant to Supplemental Rule G(4)(b)(iii)(C) is not sufficient. Plaintiff asserts it sent a notice to Ernest Wright by certified mail to his place of incarceration. *See* Fed. R. Civ. P. Adm. Supp. R. G(4)(b)(iii)(C) (providing that "[n]otice sent to a potential claimant who is incarcerated must be sent to the place of incarceration"). Although Plaintiff attaches a certified mail receipt showing that an individual signed for the package at Harris's place of incarceration, this alone is insufficient in the Fourth Circuit. *See United States v. Minor*, 228 F.3d 352, 358(4th Cir. 2000) (stating that the Due Process clause could be satisfied in most cases if the government shows that a prison official signed for certified mail and that mail delivery procedures existed at the prison facility that were reasonably calculated to ensure that notice addressed to an inmate would reach him upon arrival at the prison).

Here, plaintiff has not shown that a prison official signed for the certified mail or what mail delivery procedures are used at the facility where Wright is incarcerated. Consequently, the

record does not show that notice was given as required by Supplemental Rule G(4), and the motion for entry of default is DENIED without prejudice to renew within 30 days.

SO ORDERED. This the 14th day of January, 2016.


Julie Richards Johnston
Clerk of Court